

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

RECEIVED AUG 01 2019

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Michael Miles Lindsay,
PLAINTIFF[S]

VS.

Nicole Francis, Advanced Registered Nurse
Practitioner IMCC
Stephanie Schmidt, Registered Nurse IMCC
First Name Unknown (Jane Doe), Pharmacist IMCC
First Name Unknown (John Doe), Physician IMCC
First Name Unknown (Jane Doe-1), Registered
Nurse IMCC
First Name Unknown (Jane Doe-2), Registered
Nurse IMCC
Daniel Forbes, Correctional Officer IMCC
Franklin Selden, Correctional Officer IMCC
Individually and in there Official Capacity,

DEFENDANT[S]

Re: Case No. 1:19-cv-00029-LTS-KEM

AMENDED COMPLAINT

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3 Comes now, the plaintiff pro se would request respectfully an answer for the following complaint
4 against the defendants.

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

I. JURISDICTION & VENUE

a) This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of rights secured by the constitution of the United States. The court has jurisdiction under 28 U.S.C Section 1331 and 1343 (a) (3, 4). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff's claims for injunctive relief are authorized by 28 U.S.C. Section 2283 & 2284 and Rule 65 of the Federal Rules of Civil Procedure. Plaintiffs' Plaintiff also seeks Monetary Compensation in the amount of \$580,000.00.

b) The United States District Court for the Eastern District of Iowa is an appropriate venue under 28 U.S.C. Section 1391 (b)(2) because it is where the events giving rise to this claim occurred.

II. PLAINTIFF[S]

a) Plaintiff, Michael Miles Lindsay is and was at all times mentioned herein a prisoner of the state of Iowa in the custody of the Iowa Department of Corrections. He is currently confined in Iowa Medical Classification Center (IMCC), in Coralville, Iowa.

III. DEFENDANT[S]

- For the honorable judge residing in this case it should be noted that the plaintiff is unsure of some of the defendant's names as a result of lack of cooperation from the Department of Corrections staff and limited funds.

a) Defendant, Nicole Francis is the advanced registered nurse practitioner (ARNP) of Iowa Department of Corrections who at all times mentioned in this complaint was employed at Iowa Medical Classification Center in Coralville, Iowa.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

33 b) Defendant, Stephanie Schmidt is the Registered Nurse (RN) of the Iowa
34 Department of Corrections who at all times mentioned in this complaint was employed at Iowa
35 Medical Classification Center in Coralville, Iowa

36 c) Defendant, First Name Unknown (Jane Doe) is the Pharmacist of the Iowa
37 Department of Corrections who at all times mentioned in this complaint was employed at Iowa
38 Medical Classification Center in Coralville, Iowa.

39 d) Defendant, First Name Unknown (John Doe) is the Physician of the Iowa
40 Department of Corrections who at all times mentioned in this complaint was employed at Iowa
41 Medical Classification Center in Coralville, Iowa

42 e) Defendant, First Name Unknown (Jane Doe-1) is a Registered Nurse (RN) of the
43 Iowa Department of Corrections who at all times mentioned in this complaint was employed at
44 Iowa Medical Classification Center in Coralville, Iowa.

45 f) Defendant, First Name Unknown (Jane Doe-2) is a Registered Nurse (RN) of the
46 Iowa Department of Corrections who at all times mentioned in this complaint was employed at
47 Iowa Medical Classification Center in Coralville, Iowa.

48 g) Defendant, Daniel Forbes Is a Correctional Officer (CO) of the Iowa Department
49 of Corrections who at all times mentioned in this complaint held the rank of Sergeant and was
50 assigned at Iowa medical Classification Center in Coralville, Iowa.

51 h) Defendant, Franklin Selden Is a Correctional Officer (CO) of the Iowa
52 Department of Corrections who at all times mentioned in this complaint held the rank of
53 Sergeant and was assigned at Iowa Medical Classification Center in Coralville, Iowa.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

54 - Each defendant is sued individually and in his/her official capacity. At all times
55 mentioned in this complaint each defendant acted under the color of state law.

56 IV. FACTS

57 a) On 10-26-2018 plaintiff Lindsay was incarcerated in the Iowa Department of
58 Corrections at Iowa Medical Classification Center (IMCC) in Coralville, Iowa. Also On 10-26-2018
59 defendant Nicole Francis (ARNP) interviewed plaintiff Lindsay and established duty with said
60 plaintiff. Upon what defendant Nicole Francis told the plaintiff she reviewed his past and current
61 medical and mental health history, infectious disease and immunization status in order to
62 develop a health care plan in coordination with the interdisciplinary health care team assigned
63 to said plaintiff Lindsay as he is/has been a type 1 insulin dependent Diabetic. Health care plan
64 was scheduled blood sugar checks 4 times a day along with sliding scale insulin (Regular) per
65 blood sugar results, as well as long acting (Detimerr) insulin at p.m. insulin line.

66 b) On 11-5-2018 plaintiff Lindsay went to his scheduled 4:30 a.m. blood
67 sugar/insulin administration line per defendant Nicole Francis's orders. Defendant First Name
68 Unknown (Jane Doe-1) informed plaintiff Lindsay upon completion of his blood sugar which was
69 above 300 that there was no order for his short acting/regular insulin which breached above
70 duty established by defendant Nicole Francis and that he would have to wait till the following
71 day (11-6-2018) until he could see a doctor to have his insulin order renewed as one was not
72 available at that time. This is a violation of Institutional Policy Chapter 6. Health Services/sub
73 chapter. Administration/Subject. Administration Organization of Health Services #6.Medical
74 Staff/section-c "Develop medical treatment plans and initiate therapy and monitoring of
75 interventions, including ordering and renewing medication" and section-g" Provide 24/7 onsite

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

76 or on call physician services". Plaintiff Lindsay returned to his assigned unit without proper and
77 adequate medical attention.

78 c) On 11-5-2018 at approximately 10:20 a.m. plaintiff Lindsay went to his next
79 scheduled blood sugar/insulin administration line where his blood sugar upon rechecking had
80 increased leaving plaintiff Lindsay in need of his short acting/regular insulin. Defendant FNU
81 (Jane Doe-1) again told plaintiff Lindsay that there were no orders for insulin and that plaintiff
82 Lindsay would have to wait till the following day (11-6-2018). This is a violation of Institutional
83 Policy Chapter 6. Health Services/sub chapter. Administration/Subject. Administration
84 Organization of Health Services #6.Medical Staff/section-c "Develop medical treatment plans
85 and initiate therapy and monitoring of interventions, including ordering and renewing
86 medication" and section-g" Provide 24/7 onsite or on call physician services". Plaintiff Lindsay
87 insisted that he needed his medication to no avail and returned to his assigned unit again
88 without receiving proper and adequate medical attention.

89 d) On 11-5-2018 at approximately 4:20 p.m. plaintiff Lindsay went to his next
90 scheduled blood sugar/insulin administration line where his blood sugar upon rechecking had
91 increased even more once again leaving plaintiff Lindsay in need of his short acting/regular
92 insulin once again. Defendant First Name Unknown (Jane Doe-2) told plaintiff Lindsay that there
93 were still no orders for insulin and that plaintiff Lindsay needed to wait till the following day (11-
94 6-2018). This is a violation of Institutional Policy Chapter 6. Health Services/sub chapter.
95 Administration/Subject. Administration Organization of Health Services #6.Medical
96 Staff/section-c "Develop medical treatment plans and initiate therapy and monitoring of
97 interventions, including ordering and renewing medication" and/section-g." Provide 24/7 onsite
98 or on call physician services". Plaintiff Lindsay informed appropriate staff that he needed his

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

99 medication but was dismissed and told to return to his assigned living unit leaving plaintiff
100 Lindsay without his short acting/regular insulin.

101 e) On 11-5-2018 at approximately 9:30 p.m. plaintiff Lindsay went to his last
102 scheduled blood sugar/insulin administration line for the day. Plaintiff Lindsay checked his blood
103 sugar which by this time was over 500 as a result of lack of proper medication/treatment.
104 Defendant Stephanie Schmidt informed plaintiff Lindsay that with his blood sugar being so high
105 he needed insulin and upon information and belief called defendant First Name Unknown (John
106 Doe) to get appropriate orders for short acting/regular insulin. The order for insulin given by
107 defendant First Name Unknown (John Doe) was believed to be dangerous to plaintiff Lindsay's
108 health upon information and belief as plaintiff Lindsay voiced his concerns with defendant[s]
109 Stephanie Schmidt and defendant First Name Unknown (John Doe) about fear of such a high
110 dose. Defendant[s] Stephanie Schmidt and defendant First Name Unknown (John Doe) insisted
111 despite plaintiff Lindsay's concerns that the dose of insulin was fine and that they are "trained
112 Medical Personnel". Defendant Stephanie Schmidt even reassured plaintiff Lindsay that she
113 herself was an insulin dependent Diabetic and that plaintiff Lindsay would be ok. Plaintiff
114 Lindsay asked for a lower dose of short acting/regular insulin and again was reassured by
115 defendant Stephanie Schmidt and defendant First Name Unknown (John Doe) that it was safe.

116 f) Plaintiff Lindsay took the dose of insulin recommended by defendant[s]
117 Stephanie Schmidt and First Name Unknown (John Doe) and returned to his assigned unit. At an
118 unknown time during the night plaintiff Lindsay suffered from a seizure due to lack of proper
119 insulin dosing throughout the day and night of 11-5-2018. Two cellmates of plaintiff Lindsay's
120 (Dylan Mennenga/Ronald Moore) upon information and belief are credited for saving his life as
121 they heard him screaming during the seizure and went to get appropriate staff. During the

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

122 above incident defendant[s] Daniel Forbes and defendant Franklin Selden are said upon
123 information and belief to have been laughing and joking with each other stating that the plaintiff
124 was "dead" and that "he didn't make it". This behavior shows malicious negligence on the part
125 of security staff. As a result of the seizure plaintiff Lindsay suffered multiple injuries including
126 "severe oral trauma" as he bit his tongue during the seizure and upon information and belief, a
127 small bone fracture in his left elbow. Plaintiff Lindsay was put on a "dental soft" diet for
128 approximately 14 days as he could no longer chew and was given an ace bandage wrap for his
129 left elbow injury. Plaintiff Lindsay also expressed to staff multiple times after the seizure that he
130 now fears going to sleep at night alone for fear of suffering another seizure due to lack of proper
131 medical care. Approximately 8 days after the seizure plaintiff Lindsay complained to Medical
132 Staff of pain in the left side of his neck. Responding staff informed plaintiff Lindsay upon
133 information and belief that the pain in his neck was an infection as a result of his biting of his
134 tongue during his seizure and prescribed plaintiff Lindsay Doxycycline which is an antibiotic.

135 g) On 11-15-2018 plaintiff Lindsay reported to his scheduled insulin line at
136 approximately 9:30 p.m. to check his blood sugar and receive his insulin. Defendant First Name
137 Unknown (Jane Doe-2) told Lindsay upon completion of his blood sugar that he would be
138 receiving 14 units of his short acting (regular) insulin. defendant First Name Unknown (Jane
139 Doe-2) told plaintiff Lindsay that the dose being offered to him was what was ordered by
140 defendant First Name Unknown (Jane Doe-2) and that he was to either take it or not. Plaintiff
141 Lindsay asked to see the order and visually seen the order defendant First Name Unknown (John-Doe-1)
142 had ordered which was 14 units of short acting (regular) insulin. Plaintiff Lindsay
143 took the insulin and returned to his unit. At approximately 10:00 p.m. defendant First Name
144 Unknown (Jane Doe-2) Showed up to plaintiff Lindsay's unit and asked him if he felt ok and to
145 inform Lindsay that there was a mistake and that he had received too much insulin (3 times

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

146 original amount). It is the pharmacists' responsibility per IDOC policy and procedure (HSP-101-
147 9) to provide a mechanism to identify medication errors, trending and resolution of issues
148 through quality improvement initiatives. Plaintiff Lindsay was deprived of sleep on top of
149 emotional duress as this has now happened on multiple occasions and could have been
150 prevented. He was constantly woken up during the night to check his sugars, he told the nurse it
151 was too much insulin.

152 V.EXHAUSTION OF LEGAL REMEDIES

153 a) The plaintiff has filed multiple grievances dated 11/26/2018 and has exhausted
154 his legal requirements under the P.L.R.A. for the information of the honorable judge residing in
155 this case. Which if needed can be sent to the judge, to show denial of summary judgment if and
156 when filed by the defendants.

157 VI.LEGAL CLAIMS

158 a) Plaintiffs re-allege and incorporate by reference paragraphs 1-21.
159 b) The deliberate difference to serious medical needs, medical malpractice and
160 denial of adequate medical care created a substantial risk of serious harm and violated plaintiff
161 Michael Miles Lindsay's rights and constituted cruel and unusual punishment, deliberate
162 indifference and a due process violations under the 8th and 14th amendment to the United States
163 Constitution.
164 c) The plaintiff has no plain, adequate or complete remedy at law to redress the
165 wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the
166 defendants unless the court grants the declaratory and injunctive relief which the plaintiff seeks.

IN THE UNITED STATES DISTRICT COURT
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VII. PRAYER FOR RELIEF

168 WHEREFORE, plaintiff respectfully prays that this court enter judgment granting plaintiff:

169 a) A declaration that the acts and omissions described herein violated plaintiff's
170 rights under the Constitution and laws of the United States.

171 b) A preliminary and permanent injunction ordering defendants Nicole Francis,
172 Advanced Registered Nurse Practitioner IMCC, Stephanie Schmidt, Registered
173 Nurse IMCC, First Name Unknown (Jane Doe), Pharmacist IMCC, First Name
174 Unknown (John Doe), Physician IMCC, First Name Unknown (Jane Doe-1),
175 Registered Nurse IMCC, First Name Unknown (Jane Doe-2), Registered Nurse
176 IMCC to immediately stop denying plaintiff adequate medical care.

177 c) Compensatory damages in the amount of \$500,000.00 against each defendant
178 jointly and severally.

179 d) Punitive damages in the amount of \$10,000.00 against each defendant.

180 e) A jury trial on all issues triable by jury.

181 f) Plaintiff's costs in this suit.

182 g) Any additional relief this court deems just, proper and equitable.

183 Dated: 7-30-19

Respectfully submitted,

186 Michael Miles Lindsay
187 Iowa Medical Classification Center
188 2700 Coral Ridge Ave.
189 Coralville, Iowa 50501

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

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195 - I have read the foregoing complaint and hereby verify that the matters alleged therein
196 are true, except as to matters alleged on information and belief, and, as to those, I believe them
197 to be true. I certify under penalty of perjury that the foregoing is true and correct.

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Executed at Coralville, Iowa on July 23, 2019.

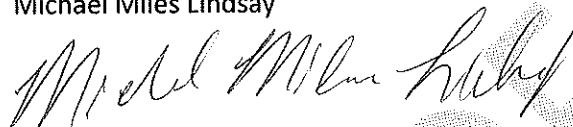
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Signature

Michael Miles Lindsay



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA

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Michael Miles Lindsay,
Plaintiff[s],

VS.

Nicole Francis, Advanced Registered Nurse
Practitioner IMCC

Stephanie Schmidt, Registered Nurse IMCC

First Name Unknown (Jane Doe-1), Pharmacist IMCC

First Name Unknown (John Doe-1), Physician IMCC

First Name Unknown (Jane Doe-2), Registered Nurse
IMCC

First Name Unknown (Jane Doe-3), Registered Nurse
IMCC

Daniel Forbes, Correctional Officer IMCC

Franklin Stedson, Correctional Officer IMCC

Defendant[s],

Case No. 1:19-cv-00029-LTS-KEM

SUMMONS

TO THE ABOVE-NAMED DEFENDANT[S]:

You are hereby summoned and required to serve upon plaintiff[s], whose address is Iowa Medical Classification Center 2700 Coral Ridge Ave, Coralville, Iowa 50501 an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service, or 60 days if the U.S. Government or officer/ agent thereof is a defendant. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

: Clerk of Court

Date: _____


Michael Miles Lindsay

MICHAEL LINDSAY #65304

IMCC
2700 CORAL RIDGE RD.
CORALVILLE, IA
52241

LEGAL

CLERK U.S. DISTRICT COURT
11 SEVENTH AVE. SE. BOX 12
CEDAR RAPIDS, IA
52401-2101

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